

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS,
EASTERN DIVISION**

MARIE ELIZABETH NAPOLI,)	
)	
Plaintiff,)	
v.)	No. 15-cv-11446
)	
ASSOCIATED NEWSPAPERS, LTD., <i>et al</i> ,)	Judge Robert M. Dow, Jr.
)	
Defendants.)	
)	
)	

JOINT RULE 12(b)(6) MOTION TO DISMISS THE COMPLAINT

Defendants Associated Newspapers, Ltd., Breaking Media, Inc. and Telegraph Media Group Limited (collectively the “Moving Defendants”) respectfully move this Court, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, for the entry of an order dismissing this action with prejudice. In support of this motion, the Moving Defendants state as follows:

1. Napoli filed a Complaint in this action based on news reports published by the Moving Defendants, which report on allegations made about her by her husband’s former law partner, Marc Bern, and her husband’s alleged mistress, Vanessa Dennis, in a lawsuit between Mr. Bern and Napoli’s husband, Paul Napoli (the “Partnership Litigation”).

2. Napoli bases her claims in the Complaint on the allegation that the Moving Defendants stated “numerous times that Marie killed one of her husband’s former employee’s cat and that she stalked or harassed that former employee via e-mail and regular mail” and that such statements are false and defamatory.

3. In Counts I, III and IV, Napoli seeks a temporary restraining order and an injunction ordering the Moving Defendants to delete the articles at issue and to cease and desist attempts to publish the allegedly “offending” content. Counts VI, VIII and IX assert claims of defamation and seek damages in excess of one million dollars, plus costs and expenses.

4. The articles published by the Moving Defendants are accurate summaries of judicial documents in the Partnership Litigation and, therefore, Napoli's defamation claims are barred by the fair report privilege. Moreover, the Complaint provides no specific facts to support Napoli's claims that the statements are false, as required by federal pleading standards. Counts I, III and IV fail for the independent reason that neither temporary restraining orders nor injunctions are independent causes of action.

5. The Complaint, therefore, fails to state a claim upon which relief may be granted as to the Moving Defendants.

CONCLUSION

6. Napoli cannot cure the defects set forth in this motion in an amended complaint. Accordingly, the Court should dismiss this action with prejudice.

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WHEREFORE, Defendants respectfully request that this Court enter an order dismissing this action with prejudice.

January 28, 2016

ASSOCIATED NEWSPAPERS, LTD.
TELEGRAPH MEDIA GROUP, LIMITED

By: /s/ Mariangela M. Seale

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CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing was served on January 28, 2016 on all counsel of record via ECF.

_____/s/ Mariangela M. Seale